

FROM: Eve Moran, Administrative Law Judge

DATE: January 28, 2009

RE: Docket 09-0052

BITWISE Communications, Inc. -vs- Illinois Bell Telephone Company
Complaint as to over-billing and threatened termination of service.

Notice of Ruling

It is generally thought that the filing of a pleading preserves the status quo. In this instance however, and during the pendency of this proceeding, Respondent AT&T Illinois gives notice of its intent to disconnect service of the Complainant on or after February 6, 2009.

A status hearing on the instant complaint has been scheduled for February 6, 2009. In regard thereto, and having concern for fairness to each of the parties at this critical juncture, the ALJ directs that:

1. AT&T Illinois shall not disconnect service on or before February 6, 2009 or any time thereafter until the Commission rules otherwise.
2. For the February 6 hearing, Complainant BitWise Communications, Inc., shall bring in an account of the amounts it claims to be overbilled together with an account of the amounts it would owe under the allegedly correct billing. The goal here is to segregate the disputed and undisputed portion of the billing in controversy.
3. To the extent it is able to so derive from discussions had at dispute resolution session, AT&T Illinois shall bring in its own account of undisputed billing amounts currently owed.
4. Each party shall bring to the hearing all documents, law, etc., as may be relevant to support its arguments on the question of authority and legitimacy in the proposed termination of service.
5. Nothing precludes the parties from reaching an agreement on the matter outside of these Commission directives.

Nothing further.

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